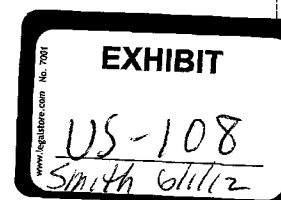


Texas Legislature Online - 82(R) History for SB 14

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=82R&B...>**Texas Legislature Online
History****Bill:** SB 14 **Legislative Session:** 82(R) **Senate E&E Draft:** 2011S0078-1**Last Action:** 05/27/2011 E See remarks for effective date**Caption Version:** Enrolled**Caption Text:** Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.**Author:** Fraser | Birdwell | Carona | Deuell | Duncan | Eltife | Estes | Harris | Hegar | Huffman | Jackson | Nelson | Nichols | Ogden | Patrick | Seliger | Shapiro | Wentworth | Williams**Sponsor:** Harless | Taylor, Larry | Pena | Trulitt | Smith, Todd**Cosponsor:** Aliseda | Anderson, Charles "Doc" | Anderson, Rodney | Aycock | Beck | Berman | Bohac | Bonnen | Branch | Brown | Burkett | Button | Cain | Callegari | Carter | Christian | Cook | Craddick | Creighton | Crownover | Darby | Davis, John | Davis, Sarah | Driver | Eissler | Elkins | Fletcher | Flynn | Frullo | Geren | Gonzales, Larry | Gooden | Hamilton | Hancock | Hardcastle | Hilderbran | Hopson | Howard, Charlie | Huberty | Hughes | Hunter | Isaac | Keffer | King, Phil | King, Susan | Kolkhorst | Kuempel | Landtroop | Larson | Laubenberg | Lavender | Legler | Lewis | Madden | Margo | Miller, Sid | Morrison | Murphy | Nash | Orr | Otto | Parker | Patrick, Diane | Paxton | Perry | Phillips | Pitts | Price | Riddle | Ritter | Schwertner | Scott | Sheets | Sheffield | Shelton | Smith, Wayne | Solomons | Taylor, Van | Weber | White | Woolley | Workman | Zedler | Zerwas**Subjects:** Elections--Administration (I0277)
Elections--General (I0310)
Elections--Registration & Suffrage (I0265)
IDENTIFICATION CARDS (S0074)
SECRETARY OF STATE (V0042)**Remarks:** This Act takes effect January 1, 2012, except Sections 3, 5, 6, 7, 11, 22, and 24, take effect September 1, 2011.**Senate Committee:** Committee of the Whole Senate**Status:** Out of committee**Vote:** Ayes=20 Nays=12 Present Not Voting=0 Absent=0**House Committee:** Voter Identification & Voter Fraud,
Select**Status:** Out of committee**Vote:** Ayes=6 Nays=2 Present Not Voting=0 Absent=1**Senate Conferees:** Appointed (04/05/2011) Fraser (Chair) | Birdwell | Huffman | Van de Putte | Williams**House Conferees:** Appointed (04/08/2011) Harless (Chair) | Aliseda | Bonnen | Trulitt | Veasey**Actions:** (descending date order)

Viewing Votes: Most Recent House Vote | Most Recent Senate Vote

Description	Comment	Date▼	Time	Journal Page
E See remarks for effective date		05/27/2011		



E Signed by the Governor		05/27/2011	4526
E Sent to the Governor		05/18/2011	2553
H Signed In the House		05/18/2011	4181
S Signed In the Senate		05/18/2011	2515
S Reported enrolled		05/17/2011	2553
S House adopts conf. comm. report-reported		05/17/2011	2385
H Statement(s) of vote recorded in Journal		05/16/2011	4055
H Record vote	RV#1128	05/16/2011	4054
H House adopts conference committee report		05/16/2011	4054
H House adopts resolution to go outside bounds	HR 2020	05/16/2011	4049
H Senate adopts conf. comm. report-reported		05/09/2011	3298
S Record vote		05/09/2011	2084
S Senate adopts conference committee report		05/09/2011	2084
S Senate adopts resolution to go outside bounds	SR 935	05/09/2011	2084
H Conf. Comm. Report distributed		05/05/2011 05:51 PM	
S Conference committee report filed		05/04/2011	1760
S House appoints conferees-reported		04/11/2011	1014
S House grants request for conf comm-reported		04/11/2011	1014
H House appoints conferees		04/08/2011	1633
H Statement(s) of vote recorded in Journal		04/08/2011	1633
H Record vote	RV#320	04/08/2011	1632
H Motion to table prevails		04/08/2011	1632
H Motion to instruct conferees		04/08/2011	1632
H Statement(s) of vote recorded in Journal		04/08/2011	1632
H Record vote	RV#319	04/08/2011	1631
H Motion to table prevails		04/08/2011	1631
H Motion to instruct conferees		04/08/2011	1631
H House grants request for conference committee		04/08/2011	1631
H Senate appoints conferees-reported		04/06/2011	1545
H Senate requests conference committee-reported		04/06/2011	1545
H Senate refuses to concur-reported		04/06/2011	1545
S Senate appoints conferees		04/05/2011	918
S Senate requests conference committee		04/05/2011	918
S Senate refuses to concur		04/05/2011	918
S Read		04/05/2011	918
S House amendment(s) laid before the Senate		04/05/2011	907
S House passage as amended reported		03/24/2011	759
H Record vote	RV#156	03/24/2011	1082
H Passed		03/24/2011	1082
H Read 3rd time		03/24/2011	1081
H Reason for vote recorded in Journal		03/23/2011	1040
H Record vote	RV#149	03/23/2011	1039
H Passed to 3rd reading as amended		03/23/2011	1039

Defendant's Exhibit #

DE-004821

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USA_00012307

H Record vote	RV#148	03/23/2011	1029
H Amendment tabled	63-Eiland	03/23/2011	1027
H Record vote	RV#147	03/23/2011	1026
H Amendment tabled	62-Strama	03/23/2011	1026
H Point of order withdrawn (amendment)	Rule 11, Section 2 and Rule 11, Section 3	03/23/2011	1026
H Amendment(s) offered	62-Strama	03/23/2011	1025
H Record vote	RV#146	03/23/2011	1025
H Amended	48-Bonnen	03/23/2011	1025
H Vote reconsidered		03/23/2011	1025
H Point of order overruled	Rule 4, Section 32(c)(4)	03/23/2011	1024
H Record vote	RV#145	03/23/2011	1024
H Amendment tabled	61-Martinez	03/23/2011	1023
H Record vote	RV#144	03/23/2011	1023
H Amendment tabled	60-Reynolds	03/23/2011	1022
H Amended	59-Dutton	03/23/2011	1022
H Record vote	RV#143	03/23/2011	1022
H Amendment tabled	58-Anchia	03/23/2011	1021
H Record vote	RV#142	03/23/2011	1020
H Amendment tabled	57-Anchia	03/23/2011	1020
H Statement(s) of vote recorded in Journal		03/23/2011	1020
H Record vote	RV#141	03/23/2011	1019
H Amendment tabled	56-Anchia	03/23/2011	1019
H Statement(s) of vote recorded in Journal		03/23/2011	1019
H Statement of Leg. Intent Recorded in Journal		03/23/2011	1017
H Record vote	RV#140	03/23/2011	1018
H Amendment tabled	55-Veasey	03/23/2011	1016
H Record vote	RV#139	03/23/2011	1016
H Amendment tabled	54-Alvarado	03/23/2011	1015
H Amended	53-Lucio	03/23/2011	1014
H Record vote	RV#138	03/23/2011	1014
H Amendment tabled	52-Castro	03/23/2011	1013
H Statement(s) of vote recorded in Journal		03/23/2011	1013
H Record vote	RV#137	03/23/2011	1012
H Amendment tabled	51-Gutierrez	03/23/2011	1012
H Statement of Leg. Intent Recorded in Journal		03/23/2011	1010
H Record vote	RV#136	03/23/2011	1011
H Amendment tabled	50-Raymond	03/23/2011	1009
H Statement(s) of vote recorded in Journal		03/23/2011	1009
H Record vote	RV#135	03/23/2011	1008
H Amendment tabled	49-Alonzo	03/23/2011	1008
H Amended	48-Bonnen	03/23/2011	1007
H Amendment withdrawn	47-Alonzo	03/23/2011	1007
H Statement(s) of vote recorded in Journal		03/23/2011	1007
H Record vote	RV#134	03/23/2011	1006
H Amendment tabled	46-Martinez	03/23/2011	1006
H Amended	45-Anchia	03/23/2011	1005
H Record vote	RV#133	03/23/2011	1005
H Amendment tabled	44-Gallego	03/23/2011	1005
H Statement(s) of vote recorded in Journal		03/23/2011	1005

H Record vote	RV#132	03/23/2011	1004
H Amendment tabled	43-Rodriguez	03/23/2011	1003
H Record vote	RV#131	03/23/2011	1003
H Amendment tabled	42-Walle	03/23/2011	1001
H Amendment withdrawn	41-Anchia	03/23/2011	1001
H Record vote	RV#130	03/23/2011	1000
H Amendment tabled	40-Menendez	03/23/2011	1000
H Record vote	RV#129	03/23/2011	999
H Amendment tabled	39-Anchia	03/23/2011	998
H Record vote	RV#128	03/23/2011	997
H Amendment fails of adoption	38-Burnam	03/23/2011	997
H Record vote	RV#127	03/23/2011	996
H Amendment fails of adoption	37-Hernandez Luna	03/23/2011	996
H Record vote	RV#126	03/23/2011	995
H Amendment tabled	36-Dutton	03/23/2011	994
H Statement of Leg. Intent Recorded In Journal		03/23/2011	991
H Record vote	RV#125	03/23/2011	994
H Amendment tabled	35-Raymond	03/23/2011	991
H Statement of Leg. Intent Recorded In Journal		03/23/2011	987
H Record vote	RV#124	03/23/2011	990
H Amendment tabled	34-Raymond	03/23/2011	987
H Amendment withdrawn	33-Dutton	03/23/2011	986
H Amended	32-Dukes	03/23/2011	986
H Statement(s) of vote recorded in Journal		03/23/2011	986
H Record vote	RV#123	03/23/2011	985
H Amendment tabled	31-Dutton	03/23/2011	985
H Amended	30-Gonzalez	03/23/2011	984
H Amendment withdrawn	29-Dutton	03/23/2011	984
H Statement(s) of vote recorded in Journal		03/23/2011	984
H Record vote	RV#122	03/23/2011	983
H Amended	28-Harper-Brown	03/23/2011	982
H Amended	27-Miles	03/23/2011	982
H Statement of Leg. Intent Recorded In Journal		03/23/2011	982
H Amended	26-V. Gonzales	03/23/2011	981
H Record vote	RV#121	03/23/2011	981
H Amendment tabled	25-Hernandez Luna	03/23/2011	980
H Record vote	RV#120	03/23/2011	980
H Amendment tabled	24-Martinez Fischer	03/23/2011	980
H Record vote	RV#119	03/23/2011	979
H Amendment tabled	23-Dutton	03/23/2011	979
H Amendment withdrawn	22-Gonzalez	03/23/2011	978
H Statement(s) of vote recorded in Journal		03/23/2011	978
H Record vote	RV#118	03/23/2011	978
H Amendment tabled	21-Veasey	03/23/2011	978
H Amended	20-Alonzo	03/23/2011	977
H Statement(s) of vote recorded in Journal		03/23/2011	977
H Record vote	RV#117	03/23/2011	976
H Amendment fails of adoption	19-Allen	03/23/2011	976
H Statement(s) of vote recorded in Journal		03/23/2011	976

H Record vote	RV#116	03/23/2011	976
H Amendment tabled	18-Dutton	03/23/2011	975
H Record vote	RV#115	03/23/2011	975
H Amendment tabled	17-Dukes	03/23/2011	974
H Statement of Leg. Intent Recorded in Journal		03/23/2011	970
H Record vote	RV#114	03/23/2011	974
H Amendment tabled	16-Raymond	03/23/2011	970
H Record vote	RV#113	03/23/2011	969
H Amendment tabled	15-Martinez	03/23/2011	969
H Amendment withdrawn	14-Raymond	03/23/2011	968
H Amended	13-Eiland	03/23/2011	968
H Record vote	RV#112	03/23/2011	967
H Amendment tabled	12-Dutton	03/23/2011	967
H Record vote	RV#111	03/23/2011	967
H Amendment tabled	11-Veasey	03/23/2011	966
H Amended	10-Y. Davis	03/23/2011	966
H Statement(s) of vote recorded in Journal		03/23/2011	966
H Record vote	RV#110	03/23/2011	965
H Amended	7-Bonnen	03/23/2011	965
H Statement of Leg. Intent Recorded in Journal		03/23/2011	965
H Statement of Leg. Intent Recorded in Journal		03/23/2011	963
H Statement(s) of vote recorded in Journal		03/23/2011	964
H Record vote	RV#109	03/23/2011	964
H Amendment to amendment tabled	9-Alonzo	03/23/2011	963
H Record vote	RV#108	03/23/2011	962
H Amendment to amendment tabled	8-Eiland	03/23/2011	962
H Amendment(s) offered	7-Bonnen	03/23/2011	961
H Amendment withdrawn	6-Y. Davis	03/23/2011	961
H Amended	5-Hochberg	03/23/2011	961
H Amendment withdrawn	4-Turner	03/23/2011	960
H Amended	3-Giddings	03/23/2011	959
H Amendment withdrawn	2-Anchia	03/23/2011	958
H Amendment withdrawn	1-Anchia	03/23/2011	958
H Point of order overruled	Article III, Section 49	03/23/2011	956
H Point of order overruled	Rule 4, Section 32(c)	03/23/2011	955
H Point of order overruled	Rule 4, Section 32(c) and Rule 4, Section 32(f)	03/23/2011	953
H Point of order overruled	Rule 4, Section 11 and Rule 4, Section 12	03/23/2011	952
H Point of order overruled	Rule 6, Section 16	03/23/2011	951
H Point of order overruled	Rule 6, Section 16	03/23/2011	951
H Read 2nd time		03/23/2011	951
H Placed on Emergency Calendar		03/23/2011	
H Considered in Calendars		03/21/2011	
H Committee report sent to Calendars		03/21/2011	
H Committee report distributed		03/21/2011 09:55 PM	
H Comte report filed with Committee Coordinator		03/21/2011	942
H Reported favorably as substituted		03/21/2011	

H Committee substitute considered in committee		03/21/2011	
H Considered in formal meeting		03/21/2011	
H Scheduled for formal meeting on . . .		03/21/2011	
H Returned to committee		03/21/2011	920
H Point of order sustained	Rule 4, Section 32(c) and Rule 4, Section 32(f)	03/21/2011	920
H Amendment(s) offered	2-Giddings	03/21/2011	919
H Amendment withdrawn	1-Anchla	03/21/2011	919
H Statement of Leg. Intent Recorded in Journal		03/21/2011	910
H Laid out as postponed business		03/21/2011	910
H Postponed	12:12 PM	03/21/2011	909
H Read 2nd time		03/21/2011	909
H Placed on Emergency Calendar		03/21/2011	
H Considered in Calendars		03/15/2011	
H Committee report sent to Calendars		03/15/2011	
H Committee report distributed		03/15/2011 05:27 PM	
H Comte report filed with Committee Coordinator		03/15/2011	831
H Reported favorably as substituted		03/07/2011	
H Committee substitute considered in committee		03/07/2011	
H Considered in formal meeting		03/07/2011	
H Left pending in committee		03/01/2011	
H Testimony taken/registration(s) recorded in committee		03/01/2011	
H Committee substitute considered in committee		03/01/2011	
H Considered in public hearing		03/01/2011	
H Scheduled for public hearing on . . .		03/01/2011	
H Referred to Voter Identification & Voter Fraud, Select		02/11/2011	329
H Read first time		02/11/2011	329
H Received from the Senate		01/27/2011	254
S Reported engrossed		01/26/2011	233
S Record vote		01/26/2011	146
S Passed		01/26/2011	146
S Read 3rd time		01/26/2011	146
S Laid before the Senate		01/26/2011	146
S Record vote		01/26/2011	140
S Passed to engrossment as amended		01/26/2011	140
S Record vote		01/26/2011	139
S Amended		01/26/2011	139
S Amendment(s) offered	FA41 Davis	01/26/2011	139
S Record vote		01/26/2011	139
S Amendment tabled		01/26/2011	139
S Amendment(s) offered	FA15 Davis	01/26/2011	138
S Record vote		01/26/2011	138
S Amendment tabled		01/26/2011	138
S Amendment(s) offered	FA11 Davis	01/26/2011	138
S Record vote		01/26/2011	138

S Amended		01/26/2011	138
S Amendment(s) offered	FA40 Duncan	01/26/2011	137
S Amendment withdrawn		01/26/2011	137
S Amendment(s) offered	FA39 Davis	01/26/2011	136
S Record vote		01/26/2011	136
S Amendment tabled		01/26/2011	136
S Amendment(s) offered	FA38 Davis	01/26/2011	136
S Record vote		01/26/2011	135
S Amendment tabled		01/26/2011	135
S Amendment(s) offered	FA37 Davis	01/26/2011	135
S Record vote		01/26/2011	135
S Amendment tabled		01/26/2011	135
S Amendment(s) offered	FA36 Davis	01/26/2011	133
S Record vote		01/26/2011	133
S Amended		01/26/2011	133
S Amendment(s) offered	FA35 Patrick	01/26/2011	133
S Record vote		01/26/2011	132
S Amendment tabled		01/26/2011	132
S Amendment(s) offered	FA34 West	01/26/2011	132
S Record vote		01/26/2011	132
S Amendment tabled		01/26/2011	132
S Amendment(s) offered	FA33 West	01/26/2011	132
S Record vote		01/26/2011	131
S Amended		01/26/2011	131
S Amendment(s) offered	FA32 Watson	01/26/2011	131
S Record vote		01/26/2011	131
S Amendment tabled		01/26/2011	131
S Amendment(s) offered	FA31 Van de Putte	01/26/2011	131
S Record vote		01/26/2011	130
S Amendment tabled		01/26/2011	130
S Amendment(s) offered	FA30 Ellis	01/26/2011	130
S Record vote		01/26/2011	129
S Amendment tabled		01/26/2011	129
S Amendment(s) offered	FA29 Gallegos	01/26/2011	129
S Record vote		01/26/2011	129
S Amendment tabled		01/26/2011	129
S Amendment(s) offered	FA28 Ellis	01/26/2011	128
S Record vote		01/26/2011	128
S Amendment tabled		01/26/2011	128
S Amendment(s) offered	FA27 Lucio	01/26/2011	127
S Record vote		01/26/2011	127
S Amendment tabled		01/26/2011	127
S Amendment(s) offered	FA26 Gallegos	01/26/2011	127
S Record vote		01/26/2011	126
S Amendment tabled		01/26/2011	126
S Amendment(s) offered	FA25 Gallegos	01/26/2011	126
S Record vote		01/26/2011	126
S Amendment tabled		01/26/2011	126
S Amendment(s) offered	FA24 Hinojosa	01/26/2011	126
S Record vote		01/26/2011	125
S Amended		01/26/2011	125
S Amendment(s) offered	FA23 Lucio	01/26/2011	125

Defendant's Exhibit #

DE-004826

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USA_00012312

S Record vote		01/26/2011	125
S Amendment tabled		01/26/2011	125
S Amendment(s) offered	FA22 Lucio	01/26/2011	125
S Record vote		01/26/2011	124
S Amendment tabled		01/26/2011	124
S Amendment(s) offered	FA21 Davis	01/26/2011	124
S Record vote		01/26/2011	124
S Amendment tabled		01/26/2011	124
S Amendment(s) offered	FA20 West	01/26/2011	123
S Record vote		01/26/2011	123
S Amendment tabled		01/26/2011	123
S Amendment(s) offered	FA19 Ellis	01/26/2011	123
S Record vote		01/26/2011	123
S Amended		01/26/2011	123
S Amendment(s) offered	FA18 Hinojosa	01/26/2011	123
S Record vote		01/26/2011	122
S Amendment tabled		01/26/2011	122
S Amendment(s) offered	FA17 Gallegos	01/26/2011	122
S Record vote		01/26/2011	122
S Amendment tabled		01/26/2011	122
S Amendment(s) offered	FA16 Van de Putte	01/26/2011	121
S Amendment withdrawn		01/26/2011	120
S Amendment(s) offered	FA15 Davis	01/26/2011	120
S Record vote		01/26/2011	120
S Amendment tabled		01/26/2011	120
S Amendment(s) offered	FA14 Lucio	01/26/2011	119
S Record vote		01/26/2011	119
S Amendment tabled		01/26/2011	119
S Amendment(s) offered	FA13 Davis	01/26/2011	119
S Record vote		01/26/2011	118
S Amendment tabled		01/26/2011	118
S Amendment(s) offered	FA12 Davis	01/26/2011	118
S Amendment withdrawn		01/26/2011	118
S Motion withdrawn		01/26/2011	118
S Motion to table		01/26/2011	118
S Amendment(s) offered	FA11 Davis	01/26/2011	117
S Record vote		01/26/2011	117
S Amendment tabled		01/26/2011	117
S Amendment(s) offered	FA10 Zaffirini	01/26/2011	117
S Vote recorded in Journal		01/26/2011	117
S Amended		01/26/2011	117
S Amendment(s) offered	FA9 Hinojosa	01/26/2011	116
S Amendment withdrawn		01/26/2011	116
S Amendment(s) offered	FA8 Davis	01/26/2011	116
S Record vote		01/26/2011	116
S Amendment tabled		01/26/2011	116
S Amendment(s) offered	FA7 Van de Putte	01/26/2011	116
S Amendment withdrawn		01/26/2011	116
S Amendment(s) offered	FA6 Davis	01/26/2011	116
S Vote recorded in Journal		01/26/2011	115
S Amended		01/26/2011	115
S Amendment(s) offered	FA5 Zaffirini	01/26/2011	115

Defendant's Exhibit #

DE-004827

503

USA_00012313

S Amendment withdrawn		01/26/2011	115
S Amendment(s) offered	FA4 Lucio	01/26/2011	115
S Vote recorded in Journal		01/26/2011	115
S Amended		01/26/2011	115
S Amendment(s) offered	FA3 Gallegos	01/26/2011	114
S Record vote		01/26/2011	114
S Amendment tabled		01/26/2011	114
S Amendment(s) offered	FA2 Davis	01/26/2011	114
S Record vote		01/26/2011	113
S Amendment tabled		01/26/2011	113
S Amendment(s) offered	FA1 Watson	01/26/2011	112
S Read 2nd time		01/26/2011	112
S Rules suspended		01/26/2011	112
S Motion withdrawn		01/26/2011	112
S Motion to suspend rules		01/26/2011	110
S Committee report printed and distributed		01/25/2011 09:24 PM	
S Reported favorably w/o amendments		01/25/2011	99
S Record vote		01/25/2011	99
S Set as special order		01/25/2011	99
S Testimony taken in committee		01/25/2011	
S Considered in public hearing		01/25/2011	
S Scheduled for public hearing on . . .		01/25/2011	
S No action taken in committee		01/24/2011	
S Scheduled for public hearing on . . .		01/24/2011	
S Referred to Committee of the Whole		01/24/2011	54
S Read first time		01/24/2011	54
S Filed		01/12/2011	
S Received by the Secretary of the Senate		01/12/2011	

BILL ANALYSIS

Senate Research Center

S.B. 14
By: Fraser et al.
Committee of the Whole
8/3/2011
Enrolled**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. On Election Day, an election judge must accept a voter if a voter registration certificate is valid, even if the judge suspects that the voter is not the person listed on the certificate.

S.B. 14 amends current law relating to requirements to vote, including presenting proof of identification, and provides criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.002, Election Code, by adding Subsection (i), to require an applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability to include with the person's application written documentation from the United States Social Security Administration evidencing the applicant has been determined to have a disability, or from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and a statement in a form prescribed by the secretary of state (SOS) that the applicant does not have a form of identification acceptable under Section 63.0101.

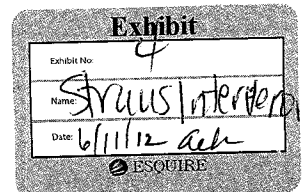
SECTION 2. Amends Section 15.001, Election Code, by adding Subsection (c), to require that a certificate issued to a voter who meets the certification requirements of Section 13.002(i) contain an indication that the voter is exempt from the requirement to present identification other than the registration certificate before being accepted for voting.

SECTION 3. Amends Subchapter A, Chapter 15, Election Code, effective September 1, 2011, by adding Section 15.005, as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) Requires the voter registrar of each county (registrar) to provide notice of the identification requirements for voting prescribed by Chapter 63 (Accepting Voter) and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 (Initial Registration Certificate) or renewal registration certificate issued under Section 14.001 (Renewal Registration Certificate).

(b) Requires SOS to prescribe the wording of the notice to be included on the certificate under this section.

SECTION 4. Amends Section 15.022(a), Election Code, as follows:



(a) Requires the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1)-(2) Makes no changes to these subdivisions;

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 (Voter With Correct Certificate Who Is Not On List), rather than Section 63.007 (Voter With Incorrect Certificate Who Is Not On List), following an election; or

(4)-(8) Makes no changes to these subdivisions.

SECTION 5. Amends Subchapter A, Chapter 31, Election Code, effective September 1, 2011, by adding Section 31.012, as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Requires SOS and the registrar of each county that maintains a website to provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website in each language in which voter registration materials are available. Requires SOS to prescribe the wording of the notice to be included on the websites.

(b) Requires SOS to conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

(c) Requires the county clerk of each county to post in a prominent location at the clerk's office a physical copy of the notice prescribed under Subsection (a) in each language in which voter registration materials are available.

SECTION 6. Amends Section 32.111, Election Code, effective September 1, 2011, by adding Subsection (c), to require that the training standards adopted under Subsection (a) (relating to a requirement that SOS adopt standards of training in election law and procedure for presiding or alternate election judges, develop materials for a standardized curriculum for that training, and distribute the materials to certain entities that hold certain elections) include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001 (Regular Procedure For Accepting Voter).

SECTION 7. Amends Section 32.114(a), Election Code, effective September 1, 2011, to require each election clerk to complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 8. Amends Chapter 62, Election Code, by adding Section 62.016, as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. Requires the presiding judge to post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. Requires that the list be printed using a font that is at least 24-point. Requires that the notice required under this section be posted separately from any other notice required by state or federal law.

SECTION 9. Amends Section 63.001, Election Code, by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h), as follows:

(b) Requires a voter, except as provided by Subsection (h), on offering to vote, to present to an election officer at the polling place one form of identification described by Section 63.0101 (Documentation Of Proof Of Identification), rather than the voter's voter registration certificate.

(c) Requires an election officer, on presentation of the documentation required under Subsection (b), rather than on presentation of a registration certificate, to determine whether the voter's name on the documentation, rather than on the registration certificate, is on the list of registered voters for the precinct. Requires the voter, if in making a

determination under this subsection the election officer determines under standards adopted by SOS that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list, to be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

(d) Requires that the voter be accepted for voting, if, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b).

(f) Requires an election officer, after determining whether to accept a voter, to return the voter's documentation, rather than the voter's registration certificate, to the voter.

(g) Provides that if the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011 (Provisional Voting). Requires an election officer, for a voter who is not accepted for voting under this section, to:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by SOS, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that if all procedures are followed and the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted.

(h) Provides that the requirements for identification prescribed by Subsection (b) do not apply to a voter who is disabled and presents the voter's voter registration certificate containing the indication described by Section 15.001(c) on offering to vote.

SECTION 10. Amends Section 63.0011(a), Election Code, to require the election officer, if the voter's address is omitted from the precinct list under Section 18.005(c) (relating to the exclusion, under certain conditions, from the original or supplemental list of registered voters the residence address of a voter who is a federal judge, a state judge, or the spouse of a federal judge or state judge), to ask the voter if the voter's residence, if listed on identification presented by the voter under Section 63.001(b), rather than as listed on the voter's voter registration certificate, is current and whether the voter has changed residence within the county.

SECTION 11. Amends Chapter 63, Election Code, effective September 1, 2011, by adding Section 63.0012, as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) Requires an election officer to distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter 521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) Requires SOS to prescribe the wording of the notice and establish guidelines for distributing the notice.

(c) Provides that this section expires on September 1, 2017.

SECTION 12. Amends Section 63.006, Election Code, as follows:

Sec. 63.006. New heading: VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT ON LIST. (a) Requires a voter who, when offering to vote, presents the documentation required under Section 63.001(b), rather than presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, to be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, or in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct, was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar, did not deliberately provide false information to secure registration in a precinct in which the voter does not reside, and is voting only once in the election.

(b) Requires an election officer, after the voter is accepted, to indicate beside the voter's name on the poll list that the voter was accepted under this section, and enter the voter's name on the registration omissions list.

SECTION 13. Amends Section 63.009, Election Code, as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. Deletes existing Subsection (a) designation. Requires a voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, to be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011, and deletes an exception under existing Subsection (b). Deletes existing Subsection (b) providing that, if an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section, and requiring an election officer, after the voter is accepted under this subsection, to also indicate beside the voter's name on the poll list that the voter was accepted under this section.

SECTION 14. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. Provides that the following documentation is an acceptable form of photo identification under this chapter: a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety (DPS) that has not expired or that expired no earlier than 60 days before the date of presentation; a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation; a United States citizenship certificate issued to the person that contains the person's photograph; a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or a license to carry a concealed handgun issued to the person by DPS that has not expired or that expired no earlier than 60 days before the date of presentation. Deletes existing text providing that the following documentation is acceptable as proof of identification under this chapter: a driver's license or personal identification card issued to the person by DPS or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired; a form of identification containing the person's photograph that establishes the person's identity; a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity; United States citizenship papers issued to the person; a United States passport issued to the person; official mail addressed to the

person by name from a governmental entity; a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or any other form of identification prescribed by SOS.

SECTION 15. Amends Section 63.011, Election Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Authorizes a person to whom Section 63.001(g) or 63.009, rather than Section 63.008(b) or 63.009(a), applies to cast a provisional ballot if the person executes an affidavit stating that the person is a registered voter in the precinct in which the person seeks to vote and is eligible to vote in the election.

(b) Requires that a form for an affidavit required by this section be printed on an envelope in which the provisional ballot voted by the person may be placed and include a space for entering the identification number of the provisional ballot voted by the person and a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

(b-1) Creates this subsection from existing text. Makes no further changes to this subsection.

SECTION 16. Amends Section 64.012(b), Election Code, to provide that an offense under this section is a felony of the second, rather than third, degree unless the person is convicted of an attempt, and in that case, the offense is a state jail felony, rather than a Class A misdemeanor.

SECTION 17. Amends Section 65.054(b), Election Code, to require, rather than authorize, that a provisional ballot be accepted if the early voting ballot board (board) determines, rather than only if the board determines, that from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election; the person meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541; notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or executes an affidavit under penalty of perjury that states the voter does not have any identification meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification; and the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).

SECTION 18. Amends Subchapter B, Chapter 65, Election Code, by adding Section 65.0541, as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) Authorizes a voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) to, not later than the sixth day after the date of the election, present a form of identification described by Section 63.0101 to the voter registrar for examination, or execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

(b) Requires SOS to prescribe procedures as necessary to implement this section.

SECTION 19. Amends Section 66.0241, Election Code, to require that Envelope no. 4 contain the precinct list of registered voters, the registration correction list, the registration omissions list, any statements of residence executed under Section 63.0011, and any affidavits executed under Section 63.006 or 63.011, rather than Section 63.007 or 63.011.

SECTION 20. Amends Subtitle B, Title 7, Transportation Code, by adding Chapter 521A, as follows:

CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a) Requires DPS to issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and who is a registered voter in this state and presents a valid voter registration certificate, or who is eligible for registration under Section 13.001, Election Code, and submits a registration application to DPS.

(b) Prohibits DPS from collecting a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) Prohibits an election identification certificate from being used or accepted as a personal identification certificate.

(d) Prohibits an election officer from denying the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) Requires that an election identification certificate be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. Authorizes DPS to cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) Authorizes DPS to require each applicant for an original or renewal election identification certificate to furnish to DPS the information required by Section 521.142.

(g) Authorizes DPS to cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) Provides that a certificate expires on a date specified by DPS, except that a certificate issued to a person 70 years of age or older does not expire.

SECTION 21. Repealers: Sections 63.007 (Voter With Incorrect Certificate Who Is Not On List) and 63.008 (Voter Without Certificate Who Is On List), Election Code.

SECTION 22. Provides that, effective September 1, 2011:

(1) as soon as practicable, SOS is required to adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111 (Training Standards For Election Judges), Election Code; and

(2) as soon as practicable, the county clerk of each county is required to provide a session of training under Section 32.114 (Public County Training Program), Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 23. Provides that the change in law made by this Act in amending Section 64.012(b), Election Code, applies only to an offense committed on or after January 1, 2012. Provides that an offense committed before January 1, 2012, is covered by the law in effect when the offense was committed and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 24. Authorizes state funds disbursed under Chapter 19 (Financing Voter Registration), Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration, effective September 1, 2011, to also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. Provides that this section expires January 1, 2013.

SECTION 25. Severability clause.

SECTION 26. Effective date, except as otherwise provided by this Act: January 1, 2012.

BILL ANALYSIS

C.S.S.B. 14
By: Fraser
Voter Identification & Voter Fraud, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Ensuring the integrity of the election process by allowing registered voters to vote and preventing ineligible voters from voting is one goal of the Texas election process. Using the voter registration certificate as a way for the voter to indicate, when offering to vote, that the voter is registered is a step forward toward ensuring the integrity of this process. However, relying on this method may provide opportunities for voter fraud as the voter registration certificate does not necessarily verify the identity of the person presenting the certificate. Options are limited for an election judge who, on being presented a voter registration certificate for voting, suspects the voter is not the person identified on the certificate. C.S.S.B. 14 attempts to further ensure the integrity of the election process by addressing requirements to vote, including presenting a form of photo identification.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

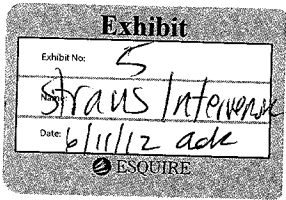
ANALYSIS

C.S.S.B. 14 amends the Election Code to require a voter, on offering to vote, to present to an election officer at the polling place one acceptable form of photo identification. The bill, in a provision establishing the regular procedure for accepting a voter, removes language relating to the requirement that the voter present the voter's voter registration certificate. The bill makes related conforming changes. The bill includes in the requirement to accept for voting a voter whose name is on the precinct list of registered voters that the voter's identity can be verified from the required form of documentation presented.

C.S.S.B. 14 establishes the following documentation as acceptable forms of photo identification for voting:

- a driver's license or personal identification card issued to the person by the Department of Public Safety (DPS) that has not expired or that expired no earlier than 60 days before the date of presentation;
- a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;
- a United States citizenship certificate issued to the person that contains the person's photograph;
- a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or
- a license to carry a concealed handgun issued to the person by DPS that has not expired or that expired no earlier than 60 days before the date of presentation.

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C.S.S.B. 14 removes the following documentation as acceptable proof of identification for voting:

- a driver's license or personal identification card issued to the person by DPS with no condition regarding its expiration;
- a document similar to a driver's license or personal identification card issued to the person by an agency of another state with no condition regarding its expiration;
- an unspecified form of identification containing the person's photograph that establishes the person's identity;
- a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;
- unspecified United States citizenship papers issued to the person with no condition regarding the person's photograph;
- official mail addressed to the person by name from a governmental entity;
- a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- any other form of identification prescribed by the secretary of state.

C.S.S.B. 14 requires an applicant for voter registration who wishes to receive an exemption from certain voter identification requirements on the basis of disability to include with the person's application written documentation from the United States Social Security Administration evidencing the applicant has been determined to have a disability or from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent, and a statement in a form prescribed by the secretary of state that the applicant does not have an acceptable form of identification. The bill requires a voter registration certificate issued to a voter who meets the certification requirements for a disability exemption to contain an indication that the voter is exempt from the requirement to present identification other than the registration certificate before being accepted for voting.

C.S.S.B. 14 makes voter identification requirements inapplicable to a voter who presents the voter's voter registration certificate on offering to vote and was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the certificate, or is disabled and the certificate contains the indication that the voter is exempt from voter identification requirements on the basis of disability.

C.S.S.B. 14 establishes that a voter who, when offering to vote, presents the required identification documentation but whose name is not on the precinct list of registered voters must be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote or in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit. The bill requires the affidavit to state that the voter is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct, was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar, did not deliberately provide false information to secure registration in a precinct in which the voter does not reside, and is voting only once in the election. The bill includes entering the voter's name on the registration omissions list among the actions an election officer is required to perform after the voter is accepted.

C.S.S.B. 14 requires a voter to be accepted for voting if the election officer, in making a

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determination of whether the voter's name on the documentation is on the list of registered voters for the precinct, determines that the voter's name is substantially similar to but does not match exactly with the name on the precinct list of registered voters and the voter submits an affidavit stating that the voter is the person on the precinct list of registered voters.

C.S.S.B. 14 requires an election officer to inform a voter who is not accepted for voting because of failure to present the required identification of the voter's right to cast a provisional ballot and provide the voter with written information, in a form prescribed by the secretary of state, that lists the requirements for identification; states the procedure for presenting identification; includes a map showing the location where identification must be presented; and includes notice that even if all procedures are followed, there is no guarantee that the voter's provisional ballot will be accepted. The bill includes in the required spaces on the form of the affidavit for casting a provisional ballot a space for an election officer to indicate whether the person presented an acceptable form of photo identification and makes conforming and nonsubstantive changes.

C.S.S.B. 14 authorizes a voter who is accepted for provisional voting because the voter does not meet the identification requirements, to present, not later than the sixth day after the date of the election, the required form of identification to the voter registrar for examination or execute in the presence of the voter registrar an affidavit under penalty of perjury stating that the voter is indigent and is unable to obtain proof of identification without the payment of a fee or has a religious objection to being photographed and the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the identification requirements. The bill requires the secretary of state to prescribe procedures as necessary to implement the identification and affidavit requirements for such a provisional ballot. The bill provides for the meaning of "indigent" by reference to the Government Code.

C.S.S.B. 14 adds as a requirement for a provisional ballot to be accepted by the early voting ballot board the board's determination that the person meets the voter identification requirements at the time the ballot was cast or not later than the sixth day after the date of the election or executes an affidavit under penalty of perjury stating that the voter is indigent and is unable to obtain proof of identification without the payment of a fee or has a religious objection to being photographed and the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the identification requirements.

C.S.S.B. 14 requires the voter registrar of each county to provide notice of the identification requirements for voting and a detailed description of those requirements with each original or renewal voter registration certificate issued and requires the secretary of state to prescribe the wording of that notice. The bill requires the secretary of state and the voter registrar of each county that maintains a website to provide notice of the identification requirements for voting on each entity's respective website in each language in which voter registration materials are available and requires the secretary of state to prescribe the wording of that notice. The bill requires the secretary of state to conduct a statewide effort to educate voters regarding the identification requirements for voting. The bill requires the county clerk of each county to post in a prominent location at the clerk's office a physical copy of the prescribed notice of the identification requirements for voting in each language in which voter registration materials are available. The bill requires the training standards adopted by the secretary of state for presiding or alternate election judges to include provisions on the acceptance and handling of the identification presented by a voter to an election officer and requires each election clerk to complete that part of the training program. The bill requires, as soon as practicable, that the secretary of state adopt the training standards and develop the training materials and the county clerk of each county provide a session of training using those standards and materials as required by the bill. The bill makes its provisions relating to notice by the registrar, education, and training regarding identification requirements for voting effective September 1, 2011.

C.S.S.B. 14 requires the presiding judge to post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The bill requires the list to be

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printed using a font that is at least 24-point. The bill requires the notice of acceptable forms of identification to be posted separately from any other notice required by state or federal law.

C.S.S.B. 14 increases the penalty for an illegal voting offense from a third degree felony to a second degree felony and increases the penalty for an attempted illegal voting offense from a Class A misdemeanor to a state jail felony. The bill makes this change applicable only to an offense committed on or after January 1, 2012.

C.S.S.B. 14 amends the Transportation Code to prohibit DPS from collecting a fee for a personal identification certificate issued to a person who states that the person is obtaining the certificate for the purpose of satisfying the requirement for photographic identification for voting and does not have another form of the required identification if the person is a registered voter in Texas and presents a valid voter registration certificate or is eligible for voter registration and submits a voter registration application to DPS. The bill makes a related conforming change.

C.S.S.B. 14 amends the Election Code to add a temporary provision, effective September 1, 2011, and set to expire September 1, 2017, requiring an election officer to distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining a personal identification certificate from DPS without a fee, as provided by the bill, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter beginning with those elections. The bill requires the secretary of state to prescribe the wording of the notice and establish guidelines for its distribution.

C.S.S.B. 14 adds a temporary provision, effective September 1, 2011, and set to expire January 1, 2013, to establish that state funds disbursed for the purpose of defraying expenses of the voter registrar's office in connection with voter registration may also be used for additional expenses related to coordinating voter registration drives or to other activities designed to expand voter registration.

C.S.S.B. 14 repeals the following provisions of the Election Code:

- Section 63.007, relating to a voter with an incorrect certificate who is not on the precinct list of registered voters
- Section 63.008, relating to a voter without a certificate who is on the precinct list of registered voters

EFFECTIVE DATE

Except as otherwise provided, January 1, 2012.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 14 differs from the original by requiring an applicant for voter registration who wishes to receive an exemption from the identification requirements for voting on the basis of disability to include with the person's application written documentation from the United States Social Security Administration evidencing the applicant has been determined to have a disability or from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent and a statement in a form prescribed by the secretary of state that the applicant does not have an acceptable form of identification, whereas the original requires the applicant to include a certification from a physician that the person has a disability as defined under provisions of the Labor Code.

C.S.S.B. 14 differs from the original by requiring a list of acceptable forms of identification to be printed using a font that is at least 24-point, whereas the original requires both a notice and list

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relating to acceptable forms of identification to be printed using a font that is at least 24-point.

C.S.S.B. 14 differs from the original, in a provision requiring a voter to be accepted for voting if the voter's name is on the registered voters precinct list and the voter's identity can be verified from the presentation of a required form of identification, by specifying that the acceptance of the voter for voting is based on a determination by the election officer.

C.S.S.B. 14 differs from the original, in a provision requiring a voter whose name is not on the registered voters precinct list to be accepted for voting if, among other conditions, the voter presents a voter registration certificate indicating current registration in a precinct other than the one in which the voter is offering to vote, by specifying that the different precinct to which the provision applies is a precinct in the same county as the precinct in which the voter is offering to vote. The substitute differs from the original by requiring the election officer, after accepting the voter for voting, to enter the voter's name on the registration omissions list, whereas the original requires entry of the precinct of the voter's registration as indicated by the voter's registration certificate.

C.S.S.B. 14 adds a condition not in the original for the acceptance of a concealed handgun license as a form of photographic identification for the purpose of voting that the license has not expired or expired no earlier than 60 days before the date of presentation.

C.S.S.B. 14 adds a provision not in the original to include as a requirement that a provisional ballot be accepted if the voter meets the identification requirements at the time the ballot was cast. The substitute differs from the original, in the provision requiring an affidavit executed by the voter to provide the reasons the voter is unable to provide proof of identification, by specifying the affidavit states the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the identification requirements, whereas the original specifies the voter has not been challenged or required to vote a provisional ballot for any other reason.

C.S.S.B. 14 adds a provision not in the original, as a condition for the prohibition against the Department of Public Safety collecting a fee for a personal identification certificate, that the person states the person does not have another acceptable form of identification.

C.S.S.B. 14 omits a provision in the original making the changes in law under the bill's provisions contingent on a specific appropriation for the implementation of the changes.

C.S.S.B. 14 differs from the original by making nonsubstantive changes.

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BILL ANALYSIS

Senate Research Center

S.B. 14
By: Fraser et al.
Committee of the Whole
1/21/2011
As Filed**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. On Election Day, an election judge must accept a voter if a voter registration certificate is valid, even if the judge suspects that the voter is not the person listed on the certificate.

As proposed, S.B. 14 amends current law relating to requirements to vote, including presenting proof of identification, and provides criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 15, Election Code, by adding Section 15.005, as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) Requires the voter registrar of each county (registrar) to provide notice of the identification requirements for voting prescribed by Chapter 63 (Accepting Voter) and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 (Initial Registration Certificate) or renewal registration certificate issued under Section 14.001 (Renewal Registration Certificate).

(b) Requires the secretary of state to prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Amends Section 15.022(a), Election Code, as follows:

(a) Requires the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

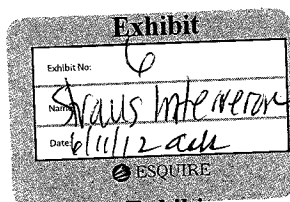
(1) after receipt of a notice of a change in registration information under Section 15.021 (Notice Of Change In Registration Information By Voter);

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033 (Cancellation Following Investigation By Registrar);

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 (Voter With Correct Certificate Who Is Not On List), rather than Section 63.007 (Voter With Incorrect Certificate Who Is Not On List), following an election;

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(4) after receipt of a voter's statement of residence executed under Section 63.0011 (Statement Of Residence Required);

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053 (Response To Confirmation Notice); or

(8) after receipt of a registration application or change of address under Chapter 20 (Voter Registration Agencies).

SECTION 3. Amends Subchapter A, Chapter 31, Election Code, by adding Section 31.012, as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Requires the secretary of state and the registrar of each county that maintains a website to provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. Requires the secretary of state to prescribe the wording of the notice to be included on the websites.

(b) Requires the secretary of state to conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

SECTION 4. Amends Section 32.111, Election Code, by adding Subsection (c), as follows:

(c) Requires that the training standards adopted under Subsection (a) (relating to a requirement that the secretary of state adopt standards of training in election law and procedure for presiding or alternate election judges, develop materials for a standardized curriculum for that training, and distribute the materials to certain entities that hold certain elections) include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001 (Regular Procedure For Accepting Voter).

SECTION 5. Amends Section 32.114(a), Election Code, to require each election clerk to complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 6. Amends Chapter 62, Election Code, by adding Section 62.016, as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. Requires the presiding judge to post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. Requires that the notice and list be printed using a font that is at least 24-point.

SECTION 7. Amends Section 63.001, Election Code, by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h), as follows:

(b) Requires a voter, except as provided by Subsection (h), on offering to vote, to present to an election officer at the polling place one form of identification listed in Section 63.0101 (Documentation Of Proof Of Identification), rather than the voter's voter registration certificate.

(c) Requires an election officer, on presentation of the documentation required by Subsection (b), rather than on presentation of a registration certificate, to determine whether the voter's name on the documentation, rather than on the registration certificate, is on the list of registered voters for the precinct.

(d) Requires that the voter be accepted for voting, if the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b).

(f) Requires an election officer, after determining whether to accept a voter, to return the voter's documentation, rather than the voter's registration certificate, to the voter.

(g) Provides that if the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011 (Provisional Voting). Requires an election officer, for a voter who is not accepted for voting under this section, to:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that even if all procedures are followed, there is no guarantee a provisional ballot will be accepted.

(h) Provides that the requirements for identification prescribed by Subsection (b) do not apply to a voter who presents the voter's voter registration certificate on offering to vote and was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate.

SECTION 8. Amends Section 63.0011(a), Election Code, to require the election officer, if the voter's address is omitted from the precinct list under Section 18.005(c) (relating to the exclusion, under certain conditions, from the original or supplemental list of registered voters the residence address of a voter who is a federal judge, a state judge, or the spouse of a federal judge or state judge), to ask the voter if the voter's residence, if listed on identification presented by the voter under Section 63.001(b), rather than as listed on the voter's voter registration certificate, is current and whether the voter has changed residence within the county.

SECTION 9. Amends Chapter 63, Election Code, by adding Section 63.0012, as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) Requires an election officer to distribute written notice of the identification that will be required to vote in elections held after January 1, 2012, and information on obtaining identification without a fee under Section 521.422 (Personal Identification Certificate Fee), Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) Requires the secretary of state to prescribe the wording of the notice and establish guidelines for distributing the notice.

(c) Provides that this section expires on September 1, 2013.

SECTION 10. Amends Section 63.006, Election Code, as follows:

Sec. 63.006. New heading: VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT ON LIST. (a) Requires that a voter who, when offering to vote, presents the documentation required under Section 63.001(b), rather than presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, or in a different precinct from the one in which the voter is offering to vote and the voter executes an affidavit stating that the voter is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct or was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar, did not deliberately provide false information to secure registration in a precinct in which the voter does not reside, and is voting only once in the election.

(b) Requires an election officer, after the voter is accepted, to indicate beside the voter's name on the poll list that the voter was accepted under this section and, if applicable, enter on the registration omissions list the precinct of the voter's registration as indicated by the voter's registration certificate.

SECTION 11. Amends Section 63.009, Election Code, as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. Deletes the existing designation of Subsection (a). Requires that a voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011, and deletes an exception under existing Subsection (b). Deletes existing Subsection (b) providing that, if an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section, and requiring an election officer, after the voter is accepted under this subsection, to also indicate beside the voter's name on the poll list that the voter was accepted under this section.

SECTION 12. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. Provides that the following documentation is an acceptable form of photo identification under this chapter: a driver's license or personal identification card issued to the person by the Department of Public Safety (DPS) that has not expired; a United States military identification card that contains the person's photograph that has not expired; a United States citizenship certificate issued to the person that contains the person's photograph; or a United States passport issued to the person that has not expired. Deletes existing text providing that the following documentation is acceptable as proof of identification under this chapter: a driver's license or personal identification card issued to the person by the DPS or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired; a form of identification containing the person's photograph that establishes the person's identity; a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity; United States citizenship papers issued to the person; a United States passport issued to the person; official mail addressed to the person by name from a governmental entity; a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or any other form of identification prescribed by the secretary of state.

SECTION 13. Amends Sections 63.011(a) and (b), Election Code, as follows:

(a) Authorizes a person to whom Section 63.001(g) or 63.009, rather than Section 63.008(b) or 63.009(a), applies to cast a provisional ballot if the person executes an

affidavit stating that the person is a registered voter in the precinct in which the person seeks to vote and is eligible to vote in the election.

(b) Requires that a form for an affidavit required by this section be printed on an envelope in which the provisional ballot voted by the person may be placed and include a space for entering the identification number of the provisional ballot voted by the person and a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

SECTION 14. Amends Section 64.012(b), Election Code, to provide that an offense under this section is a felony of the second, rather than third, degree unless the person is convicted of an attempt. Provides that in that case, the offense is a state jail felony, rather than a Class A misdemeanor.

SECTION 15. Amends Section 65.054(b), Election Code, to require, rather than authorize, that a provisional ballot be accepted if the early voting ballot board (board) determines, rather than only if the board determines, that from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election and the person meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.0541.

SECTION 16. Amends Subchapter B, Chapter 65, Election Code, by adding Section 65.0541, as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) Authorizes a voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) to, not later than the sixth day after the date of the election, present proof of identification to the voter registrar for examination by the board.

(b) Requires the secretary of state to prescribe procedures as necessary to implement this section.

SECTION 17. Amends Section 66.0241, Election Code, to require that Envelope no. 4 contain the precinct list of registered voters, the registration correction list, the registration omissions list, any statements of residence executed under Section 63.0011, and any affidavits executed under Section 63.006 or 63.011, rather than Section 63.007 or 63.011.

SECTION 18. Amends Section 521.422, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that the fee for a personal identification certificate, except as provided under Subsection (d), is \$15 for a person under 60 years of age, \$5 for a person 60 years of age or older, and \$20 for a person subject to the registration requirements under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

(d) Prohibits DPS from collecting a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and who is a registered voter in this state and presents a valid voter registration certificate, or who is eligible for registration under Section 13.001 (Eligibility For Registration), Election Code, and submits a registration application to DPS.

SECTION 19. Repealer, effective January 1, 2012: Sections 63.007 (Voter With Incorrect Certificate Who Is Not On List) and 63.008 (Voter Without Certificate Who Is On List), Election Code.

SECTION 20. Requires the secretary of state, as soon as practicable after the effective date of this section, to adopt the training standards and develop the training materials required to

implement the change in law made by this Act to Section 32.111 (Training Standards For Election Judges), Election Code. Requires the county clerk of each county, as soon as practicable after the effective date of this section, to provide a session of training under Section 32.114 (Public County Training Program), Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 21. Provides that the change in law made by this Act applies only to an offense committed on or after January 1, 2012. Provides that an offense committed before January 1, 2012, is covered by the law in effect when the offense was committed and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 22. Authorizes state funds disbursed under Chapter 19 (Financing Voter Registration), Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration to also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. Provides that this section expires January 1, 2013.

SECTION 23. (a) Effective date, except as provided by Subsection (b) of this section: January 1, 2012.

(b) Effective date, for the changes in law made by Sections 1, 3, 4, 5, 9, 20, and 22 of this Act: September 1, 2011.